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SUBJECT: SRSG RUCKER: UNMIK CAN DO LITTLE ELSE WITHOUT
FINAL STATUS

SENSITIVE BUT UNCLASSIFIED; PROTECT ACCORDINGLY.

11. (SBU) Summary: In Security Council consultations on the United Nations Interim Administration in Kosovo (UNMIK) on October 9, SRSG Rucker said that cumulative progress on standards implementation has been such that UNMIK can achieve little else without status clarity. Russian PR Churkin complained that UNMIK should stop talking about transition because there is no agreement about what to transition to and because such talk could undermine the negotiation process. Rucker rejoined that Kosovars remained committed to the Ahtisaari plan and that UNMIK would tolerate Kosovar legislation in that direction to the extent it comports with existing UNMIK regulations. End Summary.

12. (SBU) In Security Council consultations on UNMIK October 9, UNMIK SRSG Rucker gave a concise presentation reiterating his previously stated message that UNMIK has achieved nearly all that it can in Kosovo absent a determination of final status. Rucker also expressed praise for the Unity Team for re-engaging after the failure of the Ahtisaari Plan and agreeing to stay together through the elections and to the end of the Troika process on December 10. Rucker said UNMIK was determined to have elections on November 17 in conformity with all relevant technical standards and clearly stated that Belgrade-organized parallel elections for Serb areas would violate UNSCR 1244.

Russia,s Churkin:

13. (SBU) Reading a prepared statement, in Russian, PermRep Churkin asserted that a real Belgrade-Pristina dialogue had begun with Belgrade exhibiting a strong spirit of compromise and realism. Churkin said he was surprised that the SYG's report talks about planning for transition when the parties have not reached an agreement and cautioned that such planning was without authority and could undermine the negotiation process in that "reanimation" of Ahtisaari's status plan would motivate one party to avoid concessions. He said international law demands a Security Council decision on Kosovo and agreement of both sides and, in the meantime, 1244 is still in force. He asserted that we should not be surprised that Kosovo Serbs may not take part in elections under such circumstances.

14. (SBU) Churkin also said he was not satisfied that UNMIK had done all it could, especially regarding the return of refugees and the creation of a normal life for all in Kosovo. He said Kosovo Serbs continue to feel unsafe, Kosovo Liberation Army veterans threaten to take up arms again, and

the Albanian National Army continues to patrol Kosovo roads. He complained of "horrendous figures" appearing on Kosovo's voting list, naming ICTY defendant Ramush Haradinaj and mentioned the UNMIK report gave no details on the protection of ICTY witnesses. Speaking again near the end of the meeting, Churkin warned that there will be no stability in the region and even beyond without a negotiated agreement. The Ahtisaari process failed, he averred, because one party was promised independence at the outset.

Other Council Members

¶5. (SBU) Peru's PR hoped for compromise within the Troika process, arguing that the alternatives if the process breaks down all have problems. He encouraged the Troika to come up with its own ideas. He suggested that Rucker's statement that the limit of 1244 implementation has been reached has a derogatory implication and asked how such a statement contributed to the negotiation process. China's DPR said standards are essential and negotiations fundamental, so both sides should be urged to show political will and make compromises. Belgium's PR said we must be realistic about the chances for the negotiation process and plan for contingencies. He recalled the Contact Group commitment that any solution must be acceptable to the people of Kosovo.

¶6. (SBU) The UK's DPR stressed that EU/NATO would have to deal with any instability and had the real equities on Kosovo. She said the EU had wanted to deploy a rule of law mission already, but for the Council's failure to reach agreement. She insisted that the Contact Group's recent statement made it clear that the Troika's work will end on

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December 10. She also asked Rucker whether he saw signs of Belgrade arranging parallel elections?

¶7. (SBU) Indonesia was confident that adequate time and the right incentives would lead to a mutually-acceptable Kosovo agreement. Panama's PR said there should be no extension of negotiations unless both parties want that.

¶8. (SBU) Speaking for the U.S., Ambassador Khalilzad agreed with Rucker's message that progress on standards had been good. UNMIK had done nearly all it could in the absence of final status determination and, in fact, we risked the unraveling of UNMIK's progress without status clarity. Ambassador Khalilzad also called on countries with influence with Belgrade to discourage parallel elections.

¶9. (SBU) Qatar asked what is UNMIK's role in combating crime and in transferring competencies and whether Rucker had an update on the prison escape mentioned paragraph 12 of the SYG's report.

¶10. (SBU) Italy's PR urged the Troika to become more active and to make its own proposals. He said Italy has 2,200 troops in KFOR and will keep them there. Congo stated that we should try to preserve the progress achieved in Kosovo and that the efforts of the Troika give us hope despite the opposing positions of the parties. Ghana said that the best settlement would come through negotiations and welcomed the progress Kosovo had made in standards implementation.

Rucker Responds To Questions

¶11. (SBU) Rucker said UNMIK continues to transfer authority to the PISG with only a few areas remaining where further transfer was still being worked on. He also said the PISG is still committed to Ahtisaari's settlement plan and will legislate accordingly, which UNMIK does not oppose to the extent Ahtisaari is not inconsistent with current regulations. In response to questions on why UNMIK says what

is achievable has been achieved, Rucker said IDP's, for example, now list the economy before security as an obstacle to return. The economy, he explained, is linked to status with respect to access to international financial institutions and foreign direct investment. On witness protection, the Kosovo police has a specialized unit and UNMIK has a task force. UNMIK also has technical devices available including -- voice scrambling for remote testimony, etc. -- when appropriate. Rucker also stated that UNMIK-ICTY cooperation was very good and ICTY had made a number of statements agreeing with that assessment. Rucker said he had written to Prime Minister Kostunica seeking cooperation for the elections and pointing out that parallel elections would violate 1244.

KHALILZAD